

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

In the Office Action, the Examiner objected to the Abstract since "signaling" is misspelled. In response, the current Abstract has been amended as shown in the enclosed Replacement Abstract to correct the spelling error noted by the Examiner, as well as remove legal phraseology and the reference to Figure 4. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

By means of the present amendment, claims 1-9 have been amended for better conformance to U.S. practice.

In the Office Action, claims 1-9 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In response, claims 1, 4, 6, 8 have been amended to clarify the informalities noted by the Examiner. It is respectfully submitted that claims 1-9, as amended, particularly point out and distinctly claim the subject matter which applicants regard as the invention. Accordingly, withdrawal of the rejection to claims 1-9 under 35 U.S.C. §112, second paragraph, is respectfully requested.

In the Office Action, claims 1-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,570,860 B2 (Hamalainen) in view of WO 00/49760 (Ericsson). It is respectfully submitted that claims 1-9, as amended, are patentable over Hamalainen and Ericsson for at least the following reasons.

Hamalainen is related to selecting a channel configuration for a desired level of service. In rejecting claim 1-9, the Examiner noted on (page 4-5 of the Office Action) that Hamalainen teaches "enabling" continued transmission since the Hamalainen is "able to transmit data packets on at least one channel while error correction information is transmitted on another channel" (Emphasis added).

Assuming, arguendo, that the Examiner is correct in reading Hamalainen, it is respectfully submitted that Hamalainen does not teach or suggest continuing transmission of data packets on at least one channel while error correction information is transmitted on another channel, as recited in independent claims 1, 4, 6 and 8.

Ericsson is cited in relation to error correction and does not remedy the deficiency of Hamalainen. Accordingly, it is respectfully submitted that independent claims 1, 4, 6 and 8 be allowed. In addition, it is respectfully submitted that claims 2-

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3, 5, 7 and 9 should also be allowed at least based on their dependence from independent claims 1, 4, 6 and 8.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

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November 16, 2004

Enclosure: Replacement Abstract

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